

DOCKET NO. 199463US0XPCT

IN RE APPLICATION OF: **Bernard DELOBEL, et al.**

SERIAL NO.: 09/674,496

FILED: November 13, 2000

FOR: USE OF POLYPEPTIDE DERIVED FROM A PA1b LEGUME ALBUMEN AS INSECTICIDE

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

Sir:

Transmitted herewith is an amendment in the above-identified application.

- No additional fee is required.
- Small entity status of this application under 37 C.F.R. §1.9 and §1.27 has been established by a verified statement previously submitted.
- Small entity status of this application under 37 C.F.R. §1.9 and §1.27 has been established by a verified statement submitted herewith.
- Additional documents filed herewith: Response to Notification/Notification of Missing Requirements Declaration/Preliminary Amendment

The fee has been calculated as shown below.

| (Col. 1) | (Col. 2) | (Col. 3) | SMALL ENTITY | OTHER THAN A SMALL ENTITY |
|---|------------------------------|--|------------------|---------------------------|
| | CLAIMS REMAINING AFTER | HIGHEST NUMBER PREVIOUSLY PAID FOR | PRESENT EXTRA | RATE |
| TOTAL | * 13 | MINUS | ** 20 | = 0 X9 = \$ |
| INDEP | * 2 | MINUS | *** 3 | = 0 X40 = \$ |
| <input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM | | | | +135= \$ |
| | | | | TOTAL \$ |
| | | | | TOTAL \$.00 |

— A check in the amount of \$_____ is attached.

XX Please charge any additional fees for the papers being filed herewith and for which no check is enclosed herewith, or credit any overpayment to deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

XX If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time may be charged to deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.



22850

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Surinder Sachar
Norman F. Oblon
Attorney of Record
Registration No. 24,618
Surinder Sachar
Registration No. 24,493

(703) 413-3000

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*If the entry in Column 2 is less than the entry in Column 1 write "0" in Column 3.

**If the "Highest Number Previously paid for" IN THIS SPACE is less than 20 write "20" in this space.

***If the "Highest Number Previously paid for" IN THIS SPACE is less than 3 write "3" in this space. 7/93

Rec'd PCT/PTO 11 JAN 2001
09/674496

DOCKET NO.: 199463US0XPCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Bernard DELOBEL, et al.

SERIAL NUMBER: 09/674,496

FILED: 13 November 2000

FOR: USE OF POLYPEPTIDE DERIVED FROM A PA1b LEGUME ALBUMEN AS
INSECTICIDE

RESPONSE TO NOTICE OF MISSING REQUIREMENT UNDER 35 U.S.C. 371

ASSISTANT COMMISSIONER FOR PATENTS & TRADEMARKS

WASHINGTON, D.C. 20231

SIR:

Responsive to the notification dated **11 December 2000**, and in accordance with the provisions of 35 U.S.C. 371, Applicants submit herewith a Rule 63 Declaration and a Preliminary Amendment.

The required fee was paid at the time of filing the application.

In light of the foregoing, this application is deemed to be in proper condition for examination and such favorable action is earnestly solicited.

Our check in the amount of \$-0.00- is attached hereto. If any variance exists between the amount enclosed, please charge or credit the difference to our Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Norman F. Oblon
Surinder Sachar

Norman F. Oblon
Attorney of Record
Registration No. 24,618
Surinder Sachar
Registration No. 34,423



22850

(703) 413-3000

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OBON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS
Box PCT
Washington, D.C. 20231

DD
2-12-00

U.S. APPLICATION NO.

09/674496

FIRST NAMED APPLICANT

DELOBEL

ATTY. DOCKET NO.

B 199463US0XPCT

INTERNATIONAL APPLICATION NO.

PCT/FR99/01085

I.A. FILING DATE PRIORITY DATE

07 MAY 99 11 MAY 98

DATE MAILED: 11 DEC 2000

OBON SPIVAK MCCLELLAND MAIER & NEUSTADT
FOURTH FLOOR
1755 JEFFERSON DAVIS HIGHWAY
ARLINGTON, VA 22202

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- a Designated Office (37 CFR 1.494),
 an Elected Office (37 CFR 1.495);
 U.S. Basic National Fee.
 Copy of the international application in:
 a non-English language.
 English.
 Translation of the international application into English.
 Oath or Declaration of inventors(s) for DO/EO/US.
 Copy of Article 19 amendments.
 Translation of Article 19 amendments into English.
 The International Preliminary Examination Report in English and its Annexes, if any.
 Translation of Annexes to the International Preliminary Examination Report into English.
 Preliminary amendment(s) filed _____ and _____.
 Information Disclosure Statement(s) filed _____ and _____.
 Assignment document.
 Power of Attorney and/or Change of Address.
 Substitute specification filed _____.
 Verified Statement Claiming Small Entity Status.
 Priority Document.
 Copy of the International Search Report and copies of the references cited therein.
 Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
 The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
 b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
 c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
 The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
 d. SurchARGE for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a large entity small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY 21 OR 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.
5. The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed:

- PCT/DO/EO/917
 PTO-875

- Notice of Defective Translation

FORM PCT/DO/EO/905 (December 1997)

Charitta A. Burt, Paralegal

Telephone: 703-205-3724

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